

**APR 05 2006**

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**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

LILIA YOUNG,

Plaintiff - Appellant,

v.

TRINITY PROPERTY CONSULTANTS,  
LLC; FOWLER FLANAGAN  
PARTNERS, LLC; BARRETT  
BUSINESS SERVICES, INC.,

Defendants - Appellees.

No. 04-16277

D.C. No. CV-02-05073-SBA

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Northern District of California  
Saundra B. Armstrong, District Judge, Presiding

Argued and Submitted March 17, 2006  
San Francisco, California

Before: NOONAN and HAWKINS, Circuit Judges, and REED,<sup>\*\*</sup> District Judge.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The Honorable Edward C. Reed, Jr., Senior United States District Judge for the District of Nevada, sitting by designation.

Lilia Young (“Young”) appeals the district court’s adverse grant of summary judgment on her three employment discrimination claims.<sup>1</sup> We affirm.

We apply the *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802-05 (1973), burden-shifting method of proof in evaluating Young’s discrimination and retaliation claims. *Bergene v. Salt River Project Agric. Improvement & Power Dist.*, 272 F.3d 1136, 1140-41 (9th Cir. 2001); *Walker v. City of Lakewood*, 272 F.3d 1114, 1128 (9th Cir. 2001). If the plaintiff presents a prima facie claim, then “the burden shifts to the defendant to articulate a legitimate nondiscriminatory reason for its decision.” *Walker*, 272 F.3d at 1128. “If the defendant articulates such a reason, the plaintiff bears the ultimate burden of demonstrating that the reason was merely a pretext for a discriminatory motive.” *Id.* To avoid summary judgment, the plaintiff must produce “specific, substantial evidence of pretext.” *Collings v. Longview Fibre Co.*, 63 F.3d 828, 834 (9th Cir. 1995) (quoting *Steckl v. Motorola, Inc.*, 703 F.2d 392, 393 (9th Cir. 1983)).

Trinity Property’s belief that Young tampered with company computer records to indicate that she had paid October rent constitutes a legitimate, nondiscriminatory reason for her termination. The material fact is not whether Young actually altered

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<sup>1</sup> Young’s request for judicial notice of the Order Accepting Report and Recommendation of Magistrate Judge Joseph C. Spero is granted.

the records, but rather, whether Trinity Property “‘honestly believed its reason for its actions, even if its reason is . . . baseless.’” *Villiarimo v. Aloha Island Air, Inc.*, 281 F.3d 1054, 1063 (9th Cir. 2002) (quoting *Johnson v. Nordstrom, Inc.*, 260 F.3d 727, 733 (7th Cir. 2001)). Although she denies altering the computer records, Young did not present evidence demonstrating that Trinity Property’s belief was not in good faith. Consequently, even if we believe her denial, she still failed to rebut Trinity’s nondiscriminatory rationale. Having presented inadequate proof of pretext, summary judgment in favor of Trinity Property was appropriate.

**AFFIRMED.**